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NETAPP, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NETWORK APPLIANCE, INC.
14 Plaintiff-Counterclaim Defendant,
15 v.
16 SUN MICROSYSTEMS, INC.
17
18 Defendant-Counterclaim Plaintiff.

Case Nos. 3:07-CV-05488-EDL
3:07-CV-06053-EDL
3:08-CV-01641-EDL

**STIPULATION AND [PROPOSED] ORDER
STAYING CASES UNTIL JUNE 4, 2010**

19 NetApp, Inc. and Sun Microsystems, Inc. hereby stipulate, subject to the Court's approval,
20 to a stay of all three of the currently pending actions between the parties (3:07-CV-05488-EDL,
21 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL) until June 4, 2010 to permit the parties to
22 explore the possibility of an extra-judicial resolution of their disputes. All currently scheduled
23 hearings and deadlines are vacated, subject to Court approval. The parties agree that neither side
24 will use this stay to later argue lack of diligence on the part of the other party.

25 By June 9, 2010, the parties shall jointly report to the Court on the status of their
26 discussions, the litigation, and next steps. The parties request that the Court now schedule an
27
28

1 omnibus case management conference in all three cases on Tuesday, June 15, 2010 at 10 a.m., or
2 on the next date consistent with the Court's schedule.
3

4 Dated: April 6, 2010

5 DLA PIPER US LLP

6 By: /s/ Mark D. Fowler
7 MARK D. FOWLER
8 CLAYTON THOMPSON
9 DAVID ALBERTI
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11 Attorneys for
Sun Microsystems, Inc.

12
13 Dated: April 6, 2010

WEIL, GOTSHAL & MANGES LLP

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15 By: /s/ Edward R. Reines
16 MATTHEW D. POWERS
EDWARD R. REINES
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18 Attorneys for
NetApp, Inc.

1 **[PROPOSED] ORDER**

2 To permit the parties to explore the possibility of an extra-judicial resolution of their
 3 disputes, the parties' joint request for a stay is **GRANTED**. All proceedings in Civil Action Nos.
 4 3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL are hereby stayed until
 5 June 4, 2010. All currently scheduled hearing dates and deadlines in these actions are hereby
 6 vacated. Neither party may rely upon this stay to later argue lack of diligence on the part of the
 7 other party.

8 By June 9, 2010, the parties shall jointly report to the Court on the status of their
 9 discussions, the litigation, and next steps. An omnibus case management conference in all three
 10 cases shall be held on Tuesday, June 15, 2010 at 10 a.m.

11 **IT IS SO ORDERED.**

12 Dated: April 6, 2010

13 

14 UNITED STATES MAGISTRATE JUDGE
 15 ELIZABETH D. LAPORTE